

REMARKS

Claims 1, 3-11, 13-18 and 20-24 are pending. The Examiner rejected independent claims 1, 10 and 17 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,259,691 ("Naudus"). The Examiner additionally rejected claim 10 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,078,953 ("Vaid"). The Examiner rejected claims 2, 4-5, 7-9, 11, 12, 14, 16, 18, 19, 20 and 22 under 35 U.S.C. 103(a) as being unpatentable over Naudus in view of Vaid. Claims 3, 6, 13, 15, 21 and 23-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants traverse these rejections for the following reasons.

U.S. Patent No. 6,259,691 and this application were, at the time the invention of this application was made, owned by or subject to an obligation of assignment to, 3Com Corporation. Therefore, 35 U.S.C. 103(c) disqualifies Naudus from being used as the basis for any proper 103(a) rejection. Claim 1 has been amended to include the limitations of claim 2; claim 10 has been amended to include the limitations of claim 12; and claim 17 has been amended to include the limitations of claim 19. Claims 2, 12 and 19 were previously rejected as being unpatentable over Naudus in view of Vaid. Since Naudus cannot form the basis of a 103(a) rejection, independent claims 1, 10 and 17 are allowable. Accordingly, dependent claims 3-9, 11, 13-16, 18 and 20-24 are also allowable.

The Examiner also noted that the information disclosure statement filed 4/10/00 did not include legible copies of all cited references, and therefore it was placed in the application file but not considered. Applicants submit herewith copies of all references cited in that information disclosure statement and accordingly request that it be considered by the Examiner.

CONCLUSION

In conclusion, Applicants submit that Naudus cannot be used as the basis for a 103(a) rejection. Therefore, Applicants submit that the application is in condition for allowance and respectfully request early notice to this effect. If any questions or issues remain, the Examiner is invited to contact Applicants' attorney, Brian Harris, at his direct dial number (312) 913-3303.

Respectfully submitted,

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